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14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA**

16 JANET GARCIA, *et al.*

17 v.
18 CITY OF LOS ANGELES, a
municipal entity,

19 Defendants.

20 } CASE NO. 2:19-cv-06182-DSF-PLA

21 } **PLAINTIFFS' EVIDENTIARY
22 } OBJECTIONS TO EVIDENCE
23 } FILED IN OPPOSITION TO
24 } PLAINTIFFS' MOTION FOR
25 } ORDER TO SHOW CAUSE RE:
26 } CIVIL CONTEMPT AND
27 } SANCTIONS**

28 } Complaint Filed Date: July 18, 2019

29 }
30 } Judge: Hon. Dale S. Fischer
31 } Hearing Date: September 21, 2020
32 } Time: 1:30 p.m.
33 } Courtroom: 7D

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**PLAINTIFFS' OPPOSITION TO DEFENDANT'S EVIDENTIARY
OBJECTIONS**

Plaintiffs object to the following evidence filed in support of Defendant City of Los Angeles's ("City") opposition to Plaintiffs' Motion for Order to Show Cause re: Civil Contempt and Sanctions.

Objections to Declaration of Howard Wong (Dkt. No. 94)

	Objections				Ruling
1.	Material Objected to: Wong Decl. ¶ 9				Sustained: _____
					Overruled: _____

1	3.	Material Objected to: Wong Decl. ¶ 12 Statements made about encounters with bulky items during spot cleaning. Grounds for Objection: Lacks foundation that Wong has personal knowledge about what LASAN did with bulky items or all other personal property encountered during spot cleanings. Lacks foundation as to the reasoning behind treatment of all property. Fed. R. Evid. 602 (need for personal knowledge).	Sustained: _____ Overruled: _____
9	4.	Material Objected to: Wong Decl. ¶ 17 Statement that this form has not been used in other comprehensive cleanups; offering photograph into evidence. Grounds for Objection: Lacks foundation as to whether it has been used since. Fed. R. Evid. 602 (need for personal knowledge). Lacks foundation that the photographs are true and accurate depictions of something Wong observed. Fed. R. Evid. 901 (authentication).	Sustained: _____ Overruled: _____
17	5.	Material Objected to: Wong Decl. ¶ 18 Statements made about what items were removed, disposed of, and stored as part of the Beacon ABH/SECZ cleanup, and LSD's provision of enhanced services. Grounds for Objection: Relevance: statement regarding the provision of enhanced services for unhoused residents provides no information regarding the City's compliance with the preliminary injunction. Fed. R. Evid. 401, 403(b) (relevance). Lacks foundation as to what happened to all items during the Beacon ABH/SECZ cleanup. Fed. R. Evid. 602 (need for personal knowledge).	Sustained: _____ Overruled: _____

1	6.	Material Objected to: Wong Decl. ¶ 19 Statements made about LSD's cleanup within the City's Hope ABH/SECZ, signs posted within the area, and LSD's provision of enhanced services. Grounds for Objection: Relevance: statement regarding the provision of enhanced services for unhoused residents provides no information regarding the City's compliance with the preliminary injunction. Fed. R. Evid. 401, 403(b) (relevance). Lacks foundation as to what happened during the Hope ABH/SECZ cleanup. Mr. Wong does not appear to have been present during the cleanup and provides no other information about how he would have such knowledge. Fed. R. Evid. 602 (need for personal knowledge);	Sustained: _____ Overruled: _____
10	7.	Material Objected to: Wong Decl. ¶ 20 Statements made about what paper notices were posted, why and where; offering photograph into evidence. Grounds for Objection: Relevance: statements about what the notices were intended to convey provides no information regarding the City's compliance with the preliminary injunction. Fed. R. Evid. 401, 403(b) (relevance). Lacks foundation as to why signs were posted and when and where they were posted. Fed. R. Evid. 602 (need for personal knowledge).	Sustained: _____ Overruled: _____
18	8.	Material Objected to: Wong Decl. ¶ 21 Statements made about cleanup operations. Grounds for Objection: Lack of foundation as to LSD's actions during cleanup operations. Lack of foundation regarding LSD's reasoning behind removal and disposal of property. Fed. R. Evid. 602 (need for personal knowledge)	Sustained: _____ Overruled: _____

1 2 3 4 5 6 7 8 9	<p>9. Material Objected to: Wong Decl. ¶ 22 Statements made about LSD's suspended use of paper notices and adjustments to protocols.</p> <p>10. Grounds for Objection: Lack of foundation as to LSD's actions. Fed. R. Evid. 602 (need for personal knowledge)</p>	Sustained: _____ Overruled: _____
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>10. Material Objected to: Wong Decl. ¶ 24 Statements made about the blue tent reflected in the video lodged with the Court; offering photograph into evidence.</p> <p>11. Grounds for Objection: Lack of foundation as to the location of the blue tent, and whether it was contaminated. Fed. R. Evid. 602 (need for personal knowledge). Lacks foundation that the photographs are true and accurate depictions of something Wong observed. Fed. R. Evid. 901 (authentication).</p>	Sustained: _____ Overruled: _____
26 27 28	<p>11. Material Objected to: Wong Decl., Exhibit C The photographs attached as Exhibit C to Wong's Declaration.</p> <p>12. Grounds for Objection: Lacks foundation that the photographs are true and accurate depictions of something Wong observed. Fed. R. Evid. 602 (need for personal knowledge), Fed. R. Evid 901 (authentication).</p>	Sustained: _____ Overruled: _____

1	12. Material Objected to: Wong Decl., Exhibit D	Sustained: _____
2	The August 4, 2020 Health Hazard Checklist 3 attached as Exhibit D to Wong's Declaration. 4 Grounds for Objection: Hearsay: the report 5 contains out-of-court statements that are offered to 6 prove the truth of the matter asserted. Lacks 7 foundation for business records, which requires 8 evidence that the record 1) was made at or near the 9 time by or with information from a person with 10 knowledge, 2) was kept in the course of a regularly 11 conducted business activity, 3) was made as the 12 regular practice of that activity, and 4) is shown to 13 meet these conditions by the testimony of the 14 custodian or another qualified witness, as long as 5) 15 the opponent does not show that the source of the 16 information or the circumstances of preparation 17 indicate a lack of trustworthiness. Fed. R. Evid. 18 801, 803(6) (hearsay).	Overruled: _____

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14 **Objections to Declaration of Domingo Orosco (Dkt. No. 95)**

15	16 Objections	17 Ruling
18	19 13. Material Objected to: Orosco Decl. ¶ 7 20 Statements made about LSD's protective measures 21 to adjust operational practices. 22 Grounds for Objection: Lack of foundation as to 23 LSD's implementation of adjustments. Fed. R. 24 Evid. 602 (need for personal knowledge).	25 Sustained: _____ 26 Overruled: _____

1	14. Material Objected to: Orosco Decl. ¶ 8	Sustained: _____ Overruled: _____
2	Statements made about providing information and 3 reminders regarding the prohibition on the 4 enforcement of LAMC 56.11(3)(i) or 10(d) to LSD personal.	
5	Grounds for Objection: Lack of foundation as to 6 what and to whom information and reminders were 7 provided and who made the statements Fed. R. Evid. 602 (need for personal knowledge).	
9	15. Material Objected to: Orosco Decl. ¶ 22	Sustained: _____ Overruled: _____
10	Statements made about what LSD placed on pre- 11 injunction permanent ABH/SECZ signs.	
12	Grounds for Objection: Lack of foundation as to 13 LSD's actions. Fed. R. Evid. 602 (need for personal knowledge).	
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16	16. Material Objected to: Orosco Decl. ¶ 23	Sustained: _____ Overruled: _____
17	Statements made about LSD personnel placing 18 overlays over 3,000 pre-injunction ABH/SECZ 19 permanent signs.	
20	Grounds for Objection: Lack of foundation as to 21 what, where, when, and how many overlays were 22 posted on the ABH/SECZ permanent signs. Fed. R. Evid. 602 (need for personal knowledge).	
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1	17. Material Objected to: Orosco Decl. ¶ 25	Sustained: _____ Overruled: _____
2	Statements made about LSD Supervisor's 3 verification and finding that 3 locations had issues 4 with missing overlays including a missing sign. Grounds for Objection: Hearsay: LSD 5 Supervisor's statements are out-of-court statements 6 that are offered to prove the truth of the matter 7 asserted. Fed. R. Evid. 801 (hearsay). Lack of 8 foundation as to the placement of overlays and where and how many signs were missing overlays. Fed. R. Evid. 602 (need for personal knowledge).	
9	18. Material Objected to: Orosco Decl. ¶ 26	Sustained: _____ Overruled: _____
10	Statements made about LSD'S reflection that 11 overlays were applied to to approximately 41 12 locations at the Raymer ABH on August 11th and 13 August 12th by the field staff assigned to apply overlays on the effective date of the Raymer ABH signage. Grounds for Objection: Hearsay: LSD's 14 reflections are out-of-court statements that are 15 offered to prove the truth of the matter asserted. 16 Fed. R. Evid. 801 (hearsay). Lack of foundation as 17 to the placement of overlays and where and how many signs were missing overlays. Fed. R. Evid. 602 (need for personal knowledge)	
18	19. Material Objected to: Orosco Decl. ¶ 27	Sustained: _____ Overruled: _____
19	Statements made about the investigation findings 20 and LSD's placement of overlays. Grounds for Objection: Lack of foundation as to 22 where and how many signs were missing overlays 23 and LSD's actions. Fed. R. Evid. 602 (need for personal knowledge).	
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2 Dated: September 8, 2020
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Respectfully submitted,
LEGAL AID FOUNDATION OF LOS ANGELES

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